

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KESHA TERRY,

Plaintiff,

v.

**DETENTION WORKERS and
SUPERVISOR/DALLAS SHERIFF,**

Defendants.

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Civil Action No. **3:22-CV-633-L-BT**

ORDER

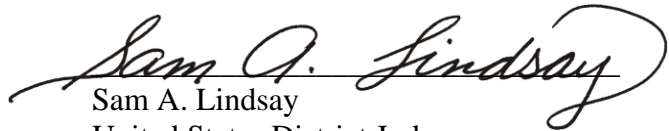
On March 31, 2022, the United States Magistrate Judge entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (Doc. 7) (“Report”), recommending that the court, pursuant to 28 U.S.C. § 1915(e)(2)(B), dismiss with prejudice as frivolous this action by Plaintiff. As Plaintiff has filed two prior duplicative lawsuits that were dismissed with prejudice, the magistrate judge further recommends that she not be allowed to amend her pleadings because it appears she has pleaded her best case, and she is a vexatious litigant who has been previously warned and sanctioned for filing frivolous lawsuits. On April 19, 2022, Plaintiff, who is proceeding pro se and has requested to have counsel appointed (Doc. 91), filed objections to the Report in which she continues to maintain that she has valid claims for injuries.

Having considered the pleadings, Report, file, and record in this case, and having conducted a de novo review of that portion of the report to which objection was made, the court determines that the magistrate judge’s findings and conclusions are correct, and **accepts** them as those of the court. Accordingly, the court **overrules** Plaintiff’s objections, and, pursuant to 28 U.S.C. § 1915(e)(2)(B), **dismisses with prejudice** as frivolous this action by Plaintiff. The court

also, **denies as moot** Plaintiff's Motion to Appoint Counsel for purposes of prosecuting this action. Further, for the reasons explained by the magistrate judge, the court will not allow Plaintiff to amend her pleadings.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Plaintiff, however, may challenge this finding pursuant to *Baugh v. Taylor*, 117 F. 3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, United States Court of Appeals for the Fifth Circuit, within 30 days of this order.

It is so ordered this 29th day of April, 2022.


Sam A. Lindsay
United States District Judge